

BETH BRINKMANN
Deputy Assistant Attorney General
JOSEPH H. HUNT
Director, Federal Programs Branch
VINCENT M. GARVEY
Deputy Branch Director
ANTHONY J. COPPOLINO
Special Litigation Counsel
PAUL E. AHERN
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W. Room 6102
Washington, DC 20001
Tel: (202) 514-4782
Fax: (202) 616-8460
tony.coppolino@usdoj.gov

MATTHEW D. BRINCKERHOFF
ILANN M. MAZEL

**EMERY CELLI BRINCKERHOFF
&ABADY LLP**

75 Rockefeller Plaza, 20th Floor
New York, NY 10019
Tel: 212-763-5000
Fax: 212-763-5001

imaazel@ecbalaw.com

*Attorneys for the Government Defendants
in Their Official Capacities*

Attorneys for the Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

VIRGINIA SHUBERT, *et al.*,
v.
UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

Defendants.

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MDL Docket No. 06-1791 VRW
Case No. C:07-cv-693-VRW

**STIPULATION TO EXTEND TIME
TO RENEW MOTION TO DISMISS
AND FOR SUMMARY JUDGMENT**

Courtroom: 6, 17th Floor
Judge: Hon. Vaughn R. Walker

1 Pursuant to Local Rule 6-2, the parties hereby stipulate to an extension of time for the
2 Government Defendants to renew their motion to dismiss and for summary judgment, and to
3 adjust the briefing schedule on that motion accordingly, but not the scheduled hearing date.

4 **RECITALS**

5 1. On September 10, 2009, the parties agreed to and the Court adopted a briefing
6 schedule for Government Defendants to renew their motion to dismiss or, in the alternative, for
7 summary judgment based on the Government's assertion of the state secrets privilege.
8 According to that schedule, Government Defendants' renewed motion is due October 8, 2009;
9 plaintiffs' opposition is due November 5, 2009; and Government Defendants' reply is due
10 November 19, 2009. A hearing for that motion is scheduled for December 15, 2009. Dkt. 31 in
11 07-cv-693.

12 2. Government Defendants require additional time for the necessary consultations
13 before filing their renewed motion. The parties have conferred and agreed to a proposed
14 modification of the briefing schedule.

15 3. Therefore, the parties have stipulated and agreed that the Government Defendants'
16 renewed motion to dismiss or, in the alternative, for summary judgment would be due no later
17 than October 20, 2009. The parties have further stipulated and agreed that the plaintiffs'
18 opposition to that motion would be due no later than November 24, 2009, and the Government
19 Defendants' reply in support of the motion would be due no later than December 4, 2009.¹ The
20 parties stipulate and agree that the hearing on the Government Defendants' motion should remain
21 scheduled for December 15, 2009, and the parties request that the Court not alter this date. A
22 proposed order is attached.

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27 ¹ Although this date is eleven days before the scheduled hearing, *see* Local R. 7-3(c),
28 Government Defendants respectfully request and appreciate the Court's accommodation.

STIPULATION

Pursuant to Local Rule 6-2, the parties hereby stipulate that: the Government Defendants' renewed motion to dismiss or, in the alternative, for summary judgment would be due no later than October 20, 2009; the plaintiffs' opposition to that motion would be due no later than November 24, 2009; and the Government Defendants' reply in support of the motion would be due no later than December 4, 2009. The hearing on the Government Defendants' motion would be December 15, 2009, as previously scheduled.

DATED: October 2, 2009

Respectfully Submitted,

BETH BRINKMANN
Deputy Assistant Attorney General
JOSEPH H. HUNT
Director, Federal Programs Branch
VINCENT M. GARVEY
Deputy Branch Director
ANTHONY J. COPPOLINO
Special Litigation Counsel
PAUL E. AHERN
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W. Room 6102
Washington, DC 20001
Tel: (202) 305-0633
Fax: (202) 616-8460
paul.ahern@usdoj.gov

By: /s Paul E. Ahern
Paul E. Ahern

Attorneys for the Government Defendants Sued in Their Official Capacity

1 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

2 I, PAUL E. AHERN, hereby declare pursuant to General Order 45, § X.B, that I have
3 obtained the concurrence in the filing of this document from each of the other signatories listed
4 below.

5 I declare under penalty of perjury that the foregoing declaration is true and correct.

6 Executed on October 2, 2009, in the City of Washington, District of Columbia.

7 BETH BRINKMANN
8 Deputy Assistant Attorney General
9 JOSEPH H. HUNT
10 Director, Federal Programs Branch
11 VINCENT M. GARVEY
12 Deputy Branch Director
13 ANTHONY J. COPPOLINO
14 Special Litigation Counsel
15 PAUL E. AHERN
16 Trial Attorney
17 U.S. Department of Justice
18 Civil Division, Federal Programs Branch
19 20 Massachusetts Avenue, N.W. Room 6102
20 Washington, DC 20001
21 Tel: (202) 514-4782
22 Fax: (202) 616-8460
23 tony.coppolino@usdoj.gov

24 By: s/ Paul E. Ahern
25 Paul E. Ahern

26 *Attorneys for the Government Defendants Sued in
27 Their Official Capacity*

28 EMERY CELLI BRINCKERHOFF
29 &ABADY LLP
30 MATTHEW D. BRINCKERHOFF
31 ILANN M. MAZEL
32 75 Rockefeller Plaza, 20th Floor
33 New York, NY 10019
34 Tel: 212-763-5000
35 Fax: 212-763-5001
36 imaazel@ecbalaw.com

37 By: s/ Ilann M. Mazel per G.O. 45
38 Ilann M. Mazel

39 *Attorneys for Plaintiffs*

~~[PROPOSED]~~ ORDER

Pursuant to the foregoing stipulation to extend time to renew motion to dismiss and for summary judgment and good cause appearing, it is hereby ORDERED that:

1. The Government Defendants' renewed motion to dismiss and for summary judgment shall be filed no later than October 20, 2009.

2. The Plaintiffs' opposition to that motion shall be filed no later than November 24, 2009.

3. The Government Defendants' reply in support of the motion shall be filed no later than December 4, 2009.

4. A hearing on the Government Defendants' motion shall be conducted on December 15, 2009, at 10:00 a.m.

IT IS SO ORDERED.

Dated: October 7 , 2009.

